

REMARKS

Status of Claims:

Claims 1, 6-7, and 9-11 are amended. Claims 1-11 remain for examination.

35 U.S.C. § 112 Rejections:

Claims 1-11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. In particular, the examiner stated on page 2 of the Office Action that the following steps are not sufficiently described in the specification: (a) distributing various advertising data not requested by said user terminal, (b) selecting at said user terminal, using a first user operation, said various data which the user desires to receive, and (c) selecting at said user terminal, using a second user operation, said various data which the user does not desire to receive.

The examiner's rejections are respectfully traversed.

Claim 1 is amended to recite: "a) distributing various data to a user terminal among said plurality of user terminals, said various data being advertising data." The distribution of advertisement data to portable terminals is described in the specification. (See Pg. 7, lines. 1-12 of the present application.) As amended, claims 1 does not recite the feature of "not requested by said user terminal". Claims 6 and 9-11 are amended similarly to claim 1.

Regarding step (b) stated by the examiner, Applicant recites on page 9, lines 1-19 of the present application:

"A case wherein advertisement data is distributed to the portable terminal 142 will be described next. The portable terminal 142 displays the distributed advertisement data on the screen. The user sees the screen and performs storing (saving) operation because he/she becomes interested in the contents of the advertisement. The portable terminal 142 stores the advertisement data and notifies the advertisement distribution center 15 of the contents of the operation and the like (step S204). In this notification, the operation content is "save".

In the advertisement distribution center 15 which has received the notification, the distribution management server 12 updates the user

information table 122 in accordance with the notified information (step S205). For example, the distribution management server 12 updates the user information to distribute many advertisement data of the same type as the stored advertisement data to the user."

The above quoted section of the specification describes a process in which the user expresses an interest in the content of an advertisement by performing a storing (saving) operation. Upon this operation, the portable terminal notifies the distribution management server of the "save" operation, and the distribution management server updates the user information table for future distribution of similar advertisements. This is one example of a first user operation ("save" operation) at a user terminal (portable terminal) which expresses the various data (advertisements) which the user desires to receive. Therefore, the feature of "selecting at said user terminal, using a first user operation, said various data which the user desires to receive" is sufficiently described in the specification in accordance with 35 U.S.C. § 112, paragraph 1.

Regarding step (c), the specification also describes a process in which the user expresses a disinterest in the content of an advertisement by performing a "deletion" operation. The portable terminal notifies the distribution management server of the "deletion" operation, and the distribution management server updates the user's preference accordingly so as to not distribute any advertisement of the same type in the future. (See Pg. 8, lines 9-27 of the present application.) The "deletion" operation is an example of a second user operation used to express the desire not to receive various advertisements. Therefore, the feature of "selecting at said user terminal, using a second user operation, said various data which the user does not desire to receive" is also sufficiently described in the specification.

In view of the forgoing amendments, it is submitted that claims 1-11 fully comply with the written description requirement of 35 U.S.C. § 112.

35 U.S.C. § 102 Rejections:

Claims 1-11 are rejected under 35 U.S.C. § 102(e) as being anticipated by Paul (U.S. Patent No. 6,052,709).

The examiner's rejections are respectfully traversed.

As amended, claim 1 of the application recites:

“A data distribution method of distributing data selected for each of a plurality of user terminals from a distribution center to each user terminal through a communication network, comprising the steps of:

- a) distributing various data to a user terminal among said plurality of user terminals, said various data being advertising data;
- b) selecting at said user terminal, using a first user operation, at least one data among said various data which the user desires to receive, said selected data being desired data;
- c) selecting at said user terminal, using a second user operation, at least another data among said various data which the user does not desire to receive, said selected data being undesired data;
- d) sending a notification to the distribution center of a content of the first and second user operations for the various data distributed to the user terminal;
- e) causing the distribution center to receive the notification from the user terminal;
- f) selecting data to be subsequently distributed to the user terminal by using the contents of the first and second user operations contained in the notification from the user terminal;
- g) distributing the selected data to the user terminal; and
- h) performing steps a) through g) for each of said plurality of user terminals.”

As amended, claim 1 recites a method in which each user terminal expresses interest or disinterest in various data through a first or a second user operation, the user terminal notifies the distribution center of the user operation, and the distribution center subsequently distributes various data to each user terminal by using the contents of the first and second user operations from the each user terminal.

Claim 1 of the present application recites “sending a notification to the distribution center of a content of the first and second user operations for the various data distributed to the user terminal.” Paul does not describe or suggest sending a notification to the sender of the spam e-mail message (the distribution center) of the content of the user operations at the user terminal. The examiner states on page 3 of the Office Action that this element is shown in Fig. 7, element 703 of Paul. Fig. 7, element 703 of Paul does not describe a notification to

the distribution center. Fig. 7, element 704 of Paul describes the generation of an “alert signal”. However, it is clear from the text and figures that the “alert signal” is sent to the e-mail servers or user terminals within the network for the purpose of filtering out unwanted spam e-mail, and not to the original sender of the spam email. (Paul, col. 2, ll. 8-10.) Furthermore, the “alert signal” contains information about the spam email and filtering instructions. (Paul, col. 2, ll. 1-8.) Paul does not describe the “alert signals” as including the content of the user operations at the user terminal.

Paul describes a method to filter out junk or spam e-mail by using spam probe e-mail addresses. The spam probe e-mail addresses collect spam e-mails, and the spam e-mails are analyzed to create filtering instructions. (See Paul, col. 4, ll. 18-34, col. 5, ll. 10-33.) Under this system, the filter instructions depend on the spam emails received at the spam probe e-mail addresses. As shown in Fig. 8 of Paul, the updating of the filtering application 806 depend on the creation of a spam probe address 801, and the collection of mail addresses at the spam probe address 803. The filter instructions are then sent to all email servers or user terminals. (Paul, col. 2, ll. 8-10.) Therefore, in Paul, the filtering rules for all users derive from the spam e-mail messages collected at the spam probe addresses, and the filtering rules are not individually set for each user.

In contrast, the present application recites a method in which the preference of each user terminal is determined by the notifications sent from the each user terminal to the distribution center. Since this method is applied to each of the plurality of user terminals, each user terminals may receive different data based on the previous notifications sent from that user terminal.

According to Paul, the user may further modify the filtering application by entering preference data into his or her terminal. (Paul, col. 7, ll. 15-35.) However, this operation further classifies the e-mail messages already reviewed and marked as “JUNK” by the filtering application described above. This preference data is not made known to the server, thus the server cannot use it in subsequent transmissions. In contrast, claim 1 of the present application recites a method in which the user terminals send notifications to the distribution

center, and the distribution center selects data to be subsequently distributed to the user terminals based on the content of the notifications.

In summary, the method described in Paul is a filtering method. Hence the spam e-mail messages have already been distributed through a communications network and are filtered by the filtering application before being viewed at the user terminal. (See Paul, Fig. 8, step 807.) In contrast, claim 1 of the present application recites “selecting data to be subsequently distributed to the user terminal by using the contents of the first and second user operations contained in the notification from the user terminal.” Hence, the distribution center selects various data to distribute to each user terminal, and the data not wanted by the user is not distributed through the communications network.

In view of these differences, it is submitted that claim 1 is patentable over Paul. Similar limitations as discussed above are also found in all of applicant’s independent claims. These claims are thus likewise deemed patentable. Applicant’s dependent claims are deemed patentable at least by virtue of their dependency from patentable claims.

Conclusion:

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 9-28-05

By David A. Blumenthal

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5407
Facsimile: (202) 672-5399

David A. Blumenthal
Attorney for Applicant
Registration No. 26,257